



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

VIDRIO et al

Appln. No.: 09/857,570

Group Art Unit: 3673

Filed: September 17, 2001

Examiner: Kreck, J.

Title: Recovery Of Hydrocarbons In Oil Wells By Injection Of Treated Inert Gases
Obtained From The Industrial Effluence

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September 27, 2004

RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In the September 23, 2004 decision granting applicants' petition to revive the subject application, a question was raised as to whether applicants' counsel ever was given a power of attorney in this case. The following explanation will demonstrate that at all times during prosecution of this application the undersigned was applicants' attorney.

The application was filed as a national stage filing of a PCT case on June 7, 2001. On August 2, 2001 the Patent Office mailed a notice of missing requirements under 35 U.S.C. 371. In response to that notice the undersigned completed the requirements in a submission dated September 15, 2001. The papers filed on that date included a combined declaration and power of attorney form under 37 CFR 1.63, dated August 3, 2001,

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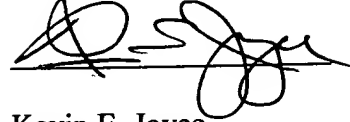
appointing Pillsbury Madison & Sutro LLP and individual attorneys (including the undersigned) "individually and collectively" to prosecute the subject application. By September 15, 2001 the undersigned had left the Pillsbury firm. The Austrian attorney (who had been Pillsbury's client and who had filed the original PCT application) instructed Pillsbury that the undersigned was to handle prosecution of its pending U.S. cases, including the subject application. Accordingly, the September 15, 2001 submission included not only the combined declaration and power of attorney, but also a change of correspondence address form indicating where future correspondence should be directed and confirming that the undersigned was applicants' attorney of record.

In spite of notice to the Patent Office that the undersigned's address had been changed, an Office Action mailed on March 6, 2003 and a notice of abandonment mailed on October 20, 2003 were sent by the Patent Office to the Pillsbury firm (now known as Pillsbury Winthrop). Pillsbury forwarded the March 6 and October 20, 2003 documents to the undersigned.

The petition to revive mailed by the undersigned on September 1, 2004 was accompanied by a further change of correspondence address form. Nevertheless, the September 23, 2004 decision on petition was mailed to Pillsbury Winthrop with the undersigned receiving a courtesy copy at undersigned's current address.

Based on the foregoing, the undersigned contends that at all times he has been applicants' attorney of record whereby all further communications in this matter should be sent directly to the undersigned and not to Pillsbury Winthrop.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Kevin E. Joyce", written over a horizontal line.

Kevin E. Joyce

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